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10 United States Department of Justice  
Washington D.C. 20530  
11 BRADLEY R. O'BRIEN  
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12 United States Department of Justice  
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13 San Francisco, California 94105  
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14 [brad.o'brien@usdoj.gov](mailto:brad.o'brien@usdoj.gov)

15 Attorneys for Plaintiff  
United States of America

16 UNITED STATES DISTRICT COURT  
17  
18 NORTHERN DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,	)	Civil No. C-07-6045 SC
	)	(AND RELATED CASES:
20 Plaintiff,	)	C-07-5800 SC; C-07-5926 SC;
	)	C-08-2052 SC)
21 v.	)	
	)	IN ADMIRALTY
22 M/V COSCO BUSAN, LR/IMO Ship No.	)	
9231743, her engines, apparel, electronics, tackle,	)	DECLARATION OF R. MICHAEL
23 boats, appurtenances, <i>etc.</i> , <i>in rem</i> , REGAL STONE	)	UNDERHILL IN SUPPORT OF <i>EX</i>
LIMITED, FLEET MANAGEMENT LTD., and	)	<i>PARTE</i> REQUEST FOR ORDER TO
24 JOHN COTA, <i>in personam</i> ,	)	REQUIRE APPEARANCE OF COSCO
	)	BUSAN CREW MEMBERS SHUN BIAO
25 Defendants.	)	ZHAO, KONG XIANG HU, LIANG XIAN
	)	ZHENG, & THEIR COUNSEL AT CASE
	)	MANAGEMENT CONFERENCE ON
	)	MAY 9, 2008, 10:00 A.M., JUDGE
	)	<u>CONTI'S COURTROOM</u>

1 R. MICHAEL UNDERHILL hereby declares based upon personal knowledge and  
2 information officially furnished to me:

3 1. I am the Attorney in Charge of the Dept. Of Justice, Torts Branch, Civil Division,  
4 West Coast and Pacific Rim Office, and one of the attorneys for the United States in this matter.

5 2. Attached hereto as Exhibit "A" is a true and correct copy of a letter dated February  
6 26, 2008, said letter sent by the undersigned counsel to, among others, Jonathan Howden, of Thelen  
7 Reid Brown Raysman & Steiner LLP, counsel for COSCO BUSAN crewmembers Shun Bia Zhao,  
8 Kong Xiang Hu, and Liang Xian Zheng. (I understand that Mr. Howden also represents another  
9 COSCO BUSAN crewmember.)

10 3. Attached hereto as Exhibit "B" is a true and correct copy of a letter dated February  
11 28, 2008, said letter sent by the undersigned counsel to Jonathan Howden.

12 4. Attached hereto as Exhibit "C" is a true and correct copy of a letter dated March 11,  
13 2008, said letter sent by Jonathan Howden to the undersigned counsel.

14 5. Attached hereto as Exhibit "D" is a true and correct copy of a letter dated March 11,  
15 2008, said letter sent by the undersigned counsel to Jonathan Howden.

16 6. Attached hereto as Exhibit "E" is a true and correct copy of a deposition notice dated  
17 February 26, 2008, said notice concerning depositions of COSCO BUSAN crewmembers. Said  
18 notice was sent under cover of the foregoing letter dated February 26, 2008, Exhibit "A" hereto.

19 7. On May 6<sup>th</sup>, I contacted Mr. Howden to request that his clients, Shun Bia Zhao, Kong  
20 Xiang Hu, and Liang Xian Zheng, appear for civil depositions immediately following the conclusion  
21 of their Fed.R.Crim.P. Rule 15 depositions, but before Mr. Howden's clients leave the jurisdiction  
22 of the United States and the Court. Mr. Howden agreed to accept service of civil deposition  
23 *subpoenae*, but also conditioned acceptance of service on the right to quash the *subpoenae* prior to  
24 commencement of the civil depositions. Mr. Howden also stated that in lieu of the depositions  
25 proposed/required by the United States pursuant to Rules 30 and 45 of the Fed.R.Civ.P., his clients  
26 instead could later be deposed in Hong Kong. The United States and Mr. Howden were unable to  
27

1 reach agreement on the United States' request that the three witnesses unequivocally agree to have  
2 their civil depositions proceed in this case in the United States upon completion of their respective  
3 Fed.R.Crim.P. Rule 15 depositions. I therefore advised Mr. Howden that the United States would  
4 be seeking the relief requested herein.

5 I declare under penalty of perjury, and in accordance with 28 U.S.C. § 1746, that the  
6 foregoing is true and correct.

7 Dated: May 7, 2008.

8  
9 /s/ R. Michael Underhill  
R. MICHAEL UNDERHILL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 7, 2008, I served a copy of the foregoing Declaration of R. Michael Underhill in Support of Ex Parte Request for Order Requiring Appearance and Certificate of Service by first-class mail and fax, postage prepaid, to:

John Giffin  
Keesal, Young & Logan  
4 Embarcadero Ctr # 1500  
San Francisco, CA 94111  
FAX: 415-981-0136

Audet and Partners LLP (C-07-5800 SC)  
William Audet  
221 Main St., Ste. 1460  
San Francisco, CA 94105  
FAX: 415-568-2556

Counsel for Regal Stone, Fleet Management,  
and COSCO BUSAN, in rem

Attorneys for Plaintiffs in C-07-5800 SC

Walter G. Coppenrath, Jr.  
George Jones  
Coppenrath & Associates  
400 Oceangate, Suite 400  
Long Beach, CA 90802  
Telephone: 562-216-2948  
FAX: 562-252-1136

Birnberg & Associates (C-07-5926 SC)  
Cory Birnberg  
703 Market St., Ste. 600  
San Francisco, CA 94103-2114  
FAX: 415-398-2001

Attorneys for Plaintiffs in C-07-5926 SC

Counsel for John Cota

Brian Getz  
Law Office Brian H Getz  
44 Montgomery St Ste 3850  
San Francisco, CA 94104-4823  
FAX: 415-438-2655  
Tel: 415-912-5886

Jonathan Howden  
Thelen Reid Brown Raysman & Steiner LLP  
101 2nd St Ste 1800  
San Francisco, CA 94105  
FAX: 415-369-8683  
TEL: 415-369-7157

Counsel for Hong Zhi Wang

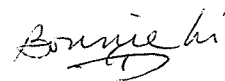
Counsel for Shun Biao Zhao, Kong Xiang  
Hu, Liang Xian Zheng, and Zong Bin Li

Kevin Kin-Man Jo & Samuel Harold Ruby  
Bullivant Houser Bailey, PC  
607 California Street  
18<sup>th</sup> Floor  
San Francisco, CA 94108  
FAX: 415-352-2701

Doug Schwartz  
Schwartz & Cera LLP  
44 Montgomery St #3850  
San Francisco, CA 94104-4823  
FAX: 415-438-2655  
TEL: 912-5886

Attorneys for Plaintiff in C-08-2052 SC

Counsel for Mao Cai Sun



BONNIE LI



U.S. Department of Justice

Civil Division

February 26, 2008

RMU:li  
62-402

Torts Branch  
West Coast Office  
7-5395 Federal Building  
Post Office Box 36028  
450 Golden Gate Avenue  
San Francisco, California 94102-3463  
Telephone: 415-436-6648  
Fax: 415-436-6632  
Internet: mike.underhill@usdoj.gov

ADVANCE COPY VIA FAX

Jonathan Howden  
Thelen Reid Brown Raysman & Steiner LLP  
101 2nd St Ste 1800  
San Francisco, CA 94105  
FAX: 415-369-8683  
(Counsel for Liang Xian Zheng and  
Zong Bin Li)

Doug Schwartz  
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44 Montgomery St #3850  
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(Counsel for CAPT. Mao Cai Sun)

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FAX: 415-438-2655  
(Counsel for Hong Zhi Wang)

John Giffin  
Keesal, Young & Logan  
4 Embarcadero Ctr # 1500  
San Francisco, CA 94111  
FAX: 415-981-0136  
(Counsel for COSCO BUSAN, *in rem*, and  
Fleet Management, *etc.*, and Parminder Singh,  
Chiranjiv Mandilwar, Kong Xiang Hu, Biao  
Zhao Shun, Yong Fu Yu, Jian Guo Bao)

RE: M/V COSCO BUSAN, LR/IMO Ship No. 9231743  
*United States of America v. M/V COSCO BUSAN, in rem, et al.*  
N.D. Cal. – Civil No. C07-6045 SI  
(And related cases C07-5800 SI and C07-5926 SI)

Dear Jonathan, Doug, Brian, and John:

John kindly informed us last week that you (Jonathan, Doug, and Brian) represent crew of M/V COSCO BUSAN. We've enclosed the amended notice of your clients' depositions *de bene esse*, as well the depositions of vessel crew represented by other counsel, such as John. We don't know if John forwarded the original notice or our cover letter of January 25<sup>th</sup>, so we enclose the latter in an effort to explain the need for the depositions. As you can see, we have not set specific dates, but instead wish to work with you and all counsel to seek a mutually convenient schedule. As explained to Judge Conti last Friday, John has represented that certain crewmen (presumably your clients, as well as some of his) are still in the United States as a result of a criminal investigation. Assuming that to be the case, we seek your clients' depositions, along with any other crewmen who still are in the United States, after they have been discharged from whatever obligations are keeping them in the U.S. To the extent that the enclosed notice includes crewmen who were no longer in the United States as of the date of our initial notice on January 25<sup>th</sup>, we ask that you advise us.

Our goal is to try and work with each counsel and, hopefully, avoid the necessity of involving Judge Conti.

Very truly yours,



R. Mike Underhill  
Attorney in Charge  
Department of Justice, Torts Branch

Enclosure (Amended Notice and Letter of January 25<sup>th</sup>)

cc: (all w/ cc encl.)  
Brad O'Brien, DOJ, ENRD

Coppenrath & Associates  
Walter G. Coppenrath, Jr., George Jones  
Fax: 562-252-1136

Richard L. Jarashow  
Sidney Kanazawa  
McGuireWoods, LLP  
Fax: 212-715-6272

Audet and Partners LLP (in related case C07-5800 SC)  
William Audet  
Fax: 415-568-2556

Birnberg & Associates ( in related case C-07-5926 SC)  
Cory Birnberg  
Fax: 415-398-2001



U.S. Department of Justice

Civil Division

February 28, 2008

RMU:li  
62-402

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450 Golden Gate Avenue  
San Francisco, California 94102-3463  
Telephone: 415-436-6648  
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ADVANCE COPY VIA FAX

Jonathan Howden  
Thelen Reid Brown Raysman & Steiner LLP  
101 2nd St Ste 1800  
San Francisco, CA 94105  
FAX: 415-369-8683

RE: M/V COSCO BUSAN, LR/IMO Ship No. 9231743  
*United States of America v. M/V COSCO BUSAN, in rem, et al.*  
N.D. Cal. – Civil No. C07-6045 SI  
(And related cases C07-5800 SI and C07-5926 SI)

Dear Jonathan:

In my letter of February 26<sup>th</sup>, I listed you as counsel for only two crewmembers, Liang Xian Zheng and Zong Bin Li. After a discussion with John today, I understand that you also represent two others. I'm not sure of the names of the latter two, but am reasonably confident they are amongst the other crewmen listed in both our original and amended notices of depositions *de bene esse*. I won't repeat or paraphrase our conversation yesterday, but among other things I asked if you would let me know reasonably soon if you would accept service of the deposition *subpoenae* upon your clients under the conditions we discussed. This letter is to clarify that our request extends to all your crewmen/clients and not merely Messrs. Liang Xian Zheng and Zong Bin Li.

If you have any questions, please feel free to call me at your convenience.

Very truly yours,

R. Mike Underhill  
Attorney in Charge  
Department of Justice, Torts Branch

cc: (All Via Fax)

Brad O'Brien, DOJ, ENRD

Doug Schwartz  
Schwartz & Cera LLP  
FAX: 415-438-2655

Brian Getz  
Law Office Brian H Getz  
FAX: 415-438-2655

John Giffin  
Keesal, Young & Logan

Coppenrath & Associates  
Walter G. Coppenrath, Jr., George Jones  
Fax: 562-252-1136

Richard L. Jarashow  
Sidney Kanazawa  
McGuireWoods, LLP  
Fax: 212-715-6272

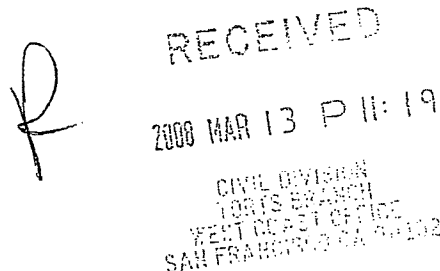
Audet and Partners LLP (in related case C07-5800 SC)  
William Audet  
Fax: 415-568-2556

Birnberg & Associates ( in related case C-07-5926 SC)  
Cory Birnberg  
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101 Second Street Suite 1800 San Francisco, CA 94105  
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Jonathan Howden  
415.369.7157 Direct Dial  
415.369.8683 Direct Fax  
jhowden@thelenreid.com



March 11, 2008

R. Mike Underhill  
Attorney in Charge  
Department of Justice, Torts Branch  
450 Golden Gate Avenue  
P.O. Box 36028  
San Francisco, CA 94102

Re: **Crew of M/V Cosco Busan**

Dear Mike:

I have been considering your request that I accept service of deposition subpoenas on behalf of my clients who are members of the crew of the M/V Cosco Busan. For the reasons stated below, I have concluded that I am unable to accept service on their behalf at this time.

As you know, all of my clients are detained in the United States as material witnesses in connection with the investigation by the United States Attorney's Office into the circumstances of the subject vessel's allision with the Bay Bridge. At the government's behest, all matters relating to the material witnesses have been under seal. Accordingly, at this juncture, I do not know if I am permitted even to confirm the identity of my clients to you without violating the letter or spirit of the material witness proceedings. Any agreement to accept service of one or more subpoenas for any particular crew member will, *de facto*, confirm the identity of one or more of my clients. I do not believe that I am permitted to do so given the status of the proceedings and therefore cannot agree to accept service for them.

Further, despite the fact that my clients are not accused of any wrongdoing, they have been held in this country, against their will for almost four months. The government contends that it has the authority to continue to hold them here until it has completed its investigation and secured their testimony for use at trial. As you are no doubt aware, this is likely to require several more months.

I appreciate the fact that you do not want to interfere with the ongoing investigation by attempting to depose any crew members until after the criminal proceedings have concluded. However, my duty to my clients is to insure that they are permitted to get on with their lives and



R. Mike Underhill  
March 11, 2008  
Page 2

to secure their freedom to leave the United States as soon as practicable. In my view, the government has no right to continue to detain them in this country once the reason for the issuance of the material witness warrants has expired. Your proposed depositions would do exactly that. In fact, as I understand your proposed depositions *de bene esse*, the subpoena would not specify a date for the depositions but rather provide that the depositions will be scheduled at some future date. As I am sure you can understand, I cannot agree to such a proposal. Rather, it is my obligation to my clients to resist any such effort. This is a second reason why I cannot agree to accept service on their behalf.

Finally, I am currently retained to represent my clients in connection with the ongoing criminal investigation and related issues. I have not been authorized to represent them in connection with any civil litigation. Until such time as my undertaking expands to include these related civil matters, I cannot act on behalf of my clients in this regard.

As all of these issues develop and become more focused, I will be happy to revisit your request. In the meantime, I must decline your proposal and cannot accept service of your subpoenas on behalf of my clients.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Howden". The signature is fluid and cursive, with a large, stylized initial "J" and "H".

Jonathan Howden

JH/

SF #1440503 v1



U.S. Department of Justice

Civil Division

March 11, 2008

RMU:li  
62-402

Torts Branch  
West Coast Office  
7-5395 Federal Building  
Post Office Box 36028  
450 Golden Gate Avenue  
San Francisco, California 94102-3463  
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Fax: 415-436-6632  
Internet: mike.underhill@usdoj.gov

ADVANCE COPY VIA FAX

Jonathan Howden  
Thelen Reid Brown Raysman & Steiner LLP  
101 2nd St Ste 1800  
San Francisco, CA 94105  
FAX: 415-369-8683

RE: M/V COSCO BUSAN, LR/IMO Ship No. 9231743  
*United States of America v. M/V COSCO BUSAN, in rem, et al.*  
N.D. Cal. – Civil No. C07-6045 SI  
(And related cases C07-5800 SI and C07-5926 SI)

Dear Jonathan:

We just received your letter of March 11<sup>th</sup> regarding your clients' depositions *de bene esse*. During our conversation Tuesday, I indicated that we had reached an accommodation with Brian Getz regarding his client and that we would be amenable to the same agreement with you: you accept service of the civil deposition subpoena on your clients, while at the same time reserving your right to object to the deposition itself. That alleviates the necessity of having Judge Conti either ordering you to (a) disclose the location of your clients, or (b) bring your clients into court where they can be served. We're looking for a reasonable accommodation that works for all and believe this accomplishes our goal of effecting service in the simplest manner. You indicated you would consider our suggestion. If you could kindly let us know right away whether you're amenable to our proposed solution, we'd appreciate it very much.

With respect to your representation, I previously indicated we were informed by civil defendants Fleet Management, Regal Stone, and M/V COSCO BUSAN that certain of the vessel's crewmen were still in the United States. We in turn advised Judge Conti of that fact during our Case Management Conference. We (and all parties to the federal civil cases) were also informed that you represent crewmen Liang Xian Zheng and Zong Bin Li. The only source for that information was likewise from Fleet, Regal Stone, and M/V COSCO BUSAN *via* those parties' Fed.R.Civ.P. Rule 26 Disclosures, which were served on February 21<sup>st</sup> (copy enclosed). Those parties' counsel thereafter stated that you also represent two other crewmen. Therefore, at least with respect to Liang Xian Zheng and Zong Bin Li, your representation has been made a matter of public record by Fleet Management, Regal Stone, and M/V COSCO BUSAN.

Very truly yours,

R. Mike Underhill  
Attorney in Charge  
Department of Justice, Torts Branch

Enclosures (Disclosures of Fleet Management, *et al.*)

JEFFREY S. BUCHOLTZ  
Acting Assistant Attorney General  
R. MICHAEL UNDERHILL  
Attorney in Charge, West Coast Office  
Torts Branch, Civil Division  
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RONALD J. TENPAS  
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[brad.o'brien@usdoj.gov](mailto:brad.o'brien@usdoj.gov)

Attorneys for Plaintiff  
United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Civil No. C-07-6045 SC
	)	
Plaintiff,	)	(AND RELATED CASES:
	)	C-07-5800 SC; C-07-5926 SC)
v.	)	
	)	IN ADMIRALTY
M/V COSCO BUSAN, LR/IMO Ship No.	)	
9231743, her engines, apparel, electronics, tackle,	)	
boats, appurtenances, <i>etc.</i> , <i>in rem</i> , THE	)	
SHIPOWNERS' INSURANCE & GUARANTY	)	AMENDED NOTICE OF
COMPANY LTD., REGAL STONE LIMITED,	)	<u>EXAMINATIONS BEFORE TRIAL</u>
FLEET MANAGEMENT LTD., and JOHN	)	
COTA, <i>in personam</i> ,	)	
	)	
Defendants.	)	

AMENDED NOTICE OF EXAMINATIONS BEFORE TRIAL – C07-6045 SC

TO: Defendants REGAL STONE LIMITED and FLEET MANAGEMENT, LTD., *in personam*, M/V COSCO BUSAN, *in rem*, and all other parties:

PLEASE TAKE NOTICE that, pursuant to this Amended Notice and Rules 30 and 45 of the Federal Rules of Civil Procedure, the United States of America will take the depositions *de bene esse* of the following percipient witnesses/crew of the defendant vessel M/V COSCO BUSAN, *in rem*. Said percipient witnesses were crew of the defendant vessel at the time of the COSCO BUSAN incident and were/are employees of defendants Regal Stone Limited and/or Fleet Management, Ltd.. The percipient witnesses/crew of the defendant vessel are essential witnesses (a) with respect to the facts of the case and (b) with respect to motion practice, evidentiary hearings, and trial of the case. Said percipient witnesses/crew of the vessel are not United States citizens or resident aliens and, to the extent they presently are or later may be outside the jurisdiction of the United States and this Court, they will be beyond the *subpoena* power of the Court for purposes of deposition, evidentiary hearings, affirmative and/or defensive motion practice, and trial. Inability to procure the timely testimony of the percipient witnesses/crew would prejudice the United States with respect to such evidentiary hearings, affirmative and/or defensive motion practice, and trial and, accordingly, the depositions will be taken on the dates and at the times indicated below:

Witness: CAPT. Mao Cai Sun  
 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 Time: To be agreed upon  
 Date: On a date to be mutually agreed upon. In the event the witness presently is in the United States and seeks to leave the United States and its jurisdiction prior to such time as may be mutually agreed upon, the United States reserves the right to seek the Court's guidance and an appropriate order.

Witness: 3<sup>rd</sup> Mate Hong Zhi Wang  
 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 Time: To be agreed upon

AMENDED NOTICE OF EXAMINATIONS BEFORE TRIAL – C07-6045 SC

2

1 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 2 United States and seeks to leave the United States and its jurisdiction prior to such  
 3 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

4 Witness: Bosun Xian Zheng Liang  
 5 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 6 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)

7 Time: To be agreed upon

8 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 9 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

10 Witness: AB Zong Bin Li  
 11 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 12 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)

13 Time: To be agreed upon

14 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 15 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

16 Witness: Parminder Singh  
 17 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 18 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)

19 Time: To be agreed upon

20 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 21 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

22 Witness: Chiranjiv Mandilwar  
 23 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 24 450 Golden Gate Avenue  
 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)

25 Time: To be agreed upon

26 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 27 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the

1 Court's guidance and an appropriate order.

2 Witness: Chief Mate Kong Xiang Hu  
 3 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 4 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 5 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 6 Time: To be agreed upon  
 7 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

8 Witness: 2<sup>nd</sup> Mate Biao Zhao Shun  
 9 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 10 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 11 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 12 Time: To be agreed upon  
 13 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

14 Witness: AB Yong Fu Yu  
 15 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 16 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 17 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 18 Time: To be agreed upon  
 19 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

20 Witness: Jian Guo Bao  
 21 Place: U.S. Department of Justice, Torts Branch, Civil Division (Admiralty)  
 22 Room 7-5395 Federal Bldg., 7<sup>th</sup> Floor  
 450 Golden Gate Avenue  
 23 San Francisco, California 94102-3463  
 (Or at such location in the N.D. of Cal. as may mutually be agreed upon)  
 24 Time: To be agreed upon  
 25 Date: On a date to be mutually agreed upon. In the event the witness presently is in the  
 United States and seeks to leave the United States and its jurisdiction prior to such  
 time as may be mutually agreed upon, the United States reserves the right to seek the  
 Court's guidance and an appropriate order.

1 The examinations will commence before a notary public duly authorized by law to administer  
2 oaths, will be videotaped, and will be continued from day to day until completed.

3 Dated: February 26, 2008.

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Acting Assistant Attorney General

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10 BRADLEY R. O'BRIEN  
Environmental Enforcement Section  
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12 Attorneys for Plaintiff United States of America  
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28 AMENDED NOTICE OF EXAMINATIONS BEFORE TRIAL – C07-6045 SC

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2008, I served a copy of the foregoing Amended Notice of Examinations Before Trial and Certificate of Service by first-class mail and fax, postage prepaid, to:

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AMENDED NOTICE OF EXAMINATIONS BEFORE TRIAL – C07-6045 SC

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